

## Message Text

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INFO OCT-01 SS-15 ISO-00 SSO-00 NSC-05 NSCE-00 CCO-00 /023 R

DRAFTED BY H:LPEZZULLO:EMB

APPROVED BY H:LPEZZULLO

S/S: MR. ORTIZ

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Z 241409Z SEP 75 ZFF4

FM SECSTATE WASHDC

TO USDEL SECRETARY FLASH

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E.O. 11652:

TAGS: OVIP

SUBJECT: 1970 AGREEMENT

FOR MCCLOSKEY FROM PEZZULLO

1. FOLLOWING IS CHAPTER VIII OF 1970 AGREEMENT:

" CHAPTER VIII - COOPERATION FOR DEFENSE

THE GOVERNMENTS OF THE UNITED STATES AND SPAIN ARE  
IN AGREEMENT IN CONSIDERING THAT THE THREAT TO PEACE IS  
THE GREATEST PROBLEM FACED BY THE MODERN WORLD, AND THAT  
IT REQUIRES THAT BOTH GOVERNMENTS REMAIN VIGILANT AND CON-  
TINUE TO DEVELOP THEIR ABILITY TO DEFEND THEMSELVES  
AGAINST SUCH A THREAT. CONSEQUENTLY, BOTH GOVERNMENTS,  
WITHIN THE FRAMEWORK OF THEIR CONSTITUTIONAL PROCESSES,  
AND TO THE EXTENT FEASIBLE AND APPROPRIATE, WILL MAKE  
COMPATIBLE THEIR RESPECTIVE DEFENSE POLICIES IN AREAS OF  
MUTUAL INTEREST, AND WILL GRANT EACH OTHER RECIPROCAL  
DEFENSE SUPPORT AS FOLLOWS:

ARTICLE 30. EACH GOVERNMENT WILL SUPPORT THE DEFENSE  
SYSTEM OF THE OTHER AND MAKE SUCH CONTRIBUTIONS AS ARE  
DEEMED NECESSARY AND APPROPRIATE TO ACHIEVE THE GREATEST  
POSSIBLE EFFECTIVENESS OF THOSE SYSTEMS TO MEET POSSIBLE  
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CONTINGENCIES, SUBJECT TO THE TERMS AND CONDITIONS SET

FORTH HEREINAFTER.

ARTICLE 31. THE GOVERNMENT OF THE UNITED STATES AGREES TO SUPPORT SPANISH DEFENSE EFFORTS, AS NECESSARY AND APPROPRIATE, BY CONTRIBUTING TO THE MODERNIZATION OF SPANISH DEFENSE INDUSTRIES, AS WELL AS GRANTING MILITARY ASSISTANCE TO SPAIN, IN ACCORDANCE WITH APPLICABLE AGREEMENTS. THIS SUPPORT WILL BE CONDITIONED BY THE PRIORITIES AND LIMITATIONS CREATED BY THE INTERNATIONAL COMMITMENTS OF THE UNITED STATES AND THE EXIGENCIES OF THE INTERNATIONAL SITUATION AND WILL BE SUBJECT TO THE APPROPRIATION OF FUNDS BY THE CONGRESS, WHENEVER THE CASE SO REQUIRES, AND TO UNITED STATES LEGISLATION.

ARTICLE 32. THE GOVERNMENT OF SPAIN, SUBJECT TO SPANISH CONSTITUTIONAL PROVISIONS AND LEGISLATION IN FORCE, WILL AUTHORIZE THE GOVERNMENT OF THE UNITED STATES TO USE AND MAINTAIN FOR MILITARY PURPOSES CERTAIN FACILITIES IN SPANISH MILITARY INSTALLATIONS AGREED UPON BY THE TWO GOVERNMENTS. ANY MAJOR CONSTRUCTION THAT MAY BE NECESSARY FOR THE EXERCISE OF THIS USE SHALL BE SUBJECT TO AGREEMENT BETWEEN THE TWO GOVERNMENTS IN THE JOINT COMMITTEE CREATED IN ARTICLE 36 OF THIS CHAPTER. THE UNITED STATES IS FURTHER AUTHORIZED TO STATION AND HOUSE THE CIVILIAN AND MILITARY PERSONNEL NECESSARY FOR SUCH USE; TO PROVIDE FOR THEIR SECURITY, DISCIPLINE, AND WELFARE; TO STORE AND GUARD PROVISIONS, SUPPLIES, EQUIPMENT AND MATERIEL; AND TO MAINTAIN THE SERVICES NECESSARY FOR SUCH PURPOSES. THE EXERCISE OF THE FUNCTIONS AUTHORIZED HEREIN SHALL BE SUBJECT TO SUCH EXPRESS TERMS AND TECHNICAL CONDITIONS AS THE TWO GOVERNMENTS MAY AGREE UPON.

ARTICLE 33.

(A) THE GOVERNMENT OF SPAIN ASSUMES THE OBLIGATION OF ADOPTING THE SECURITY MEASURES NECESSARY FOR THE EXERCISE OF THE FUNCTIONS AUTHORIZED IN ARTICLE 32. THE UNITED STATES MAY EXERCISE THE NECESSARY SUPERVISION AND PROTECTION OF ITS PERSONNEL, EQUIPMENT AND MATERIEL.

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(B) THE ABOVE-MENTIONED USE BY THE GOVERNMENT OF THE UNITED STATES OF FACILITIES IN SPANISH MILITARY INSTALLATIONS WILL BE FREE OF ALL TAXES, CHARGES AND ENCUMBRANCES. THE GOVERNMENT OF SPAIN WILL RETAIN FREE OF ALL CHARGES THE OWNERSHIP OF ALL PERMANENT WORKS CONSTRUCTED FOR THE PURPOSE OF THIS AGREEMENT.

(C) THE GOVERNMENT OF THE UNITED STATES MAY REMOVE

AT ANY TIME NONPERMANENT CONSTRUCTIONS INSTALLED AT ITS EXPENSE, AS WELL AS ITS PERSONNEL, PROPERTY, EQUIPMENT AND MATERIEL. HOWEVER, ANY SUBSTANTIAL REMOVAL PRIOR TO THE EXPIRATION OF THIS AGREEMENT WILL BE THE SUBJECT OF PRIOR CONSULTATION OF THE TWO GOVERNMENTS IN THE JOINT COMMITTEE. IN THE EVENT THAT ANY SUCH REMOVAL WOULD BRING ABOUT ADVERSE SECURITY CONSEQUENCES, THE TWO GOVERNMENTS WILL CONSULT IMMEDIATELY IN ORDER TO ADOPT APPROPRIATE MEASURES.

(D) WHENEVER THE GOVERNMENT OF THE UNITED STATES RELINQUISHES A FACILITY AUTHORIZED IN THIS CHAPTER, EITHER PRIOR TO OR AS A RESULT OF THE EXPIRATION OF THE FIVE OR TEN YEAR PERIOD SPECIFIED IN ARTICLE 38, THE GOVERNMENT OF THE UNITED STATES SHALL NOT BE OBLIGATED TO LEAVE SUCH FACILITY IN THE SAME STATE AND CONDITION IT WAS IN PRIOR TO ITS UTILIZATION BY THE GOVERNMENT OF THE UNITED STATES, OR TO COMPENSATE SPAIN FOR NOT HAVING RETURNED IT IN SUCH STATE, BUT SHALL LEAVE THE LAND AND PERMANENT CONSTRUCTIONS THEREON IN SERVICEABLE CONDITION FOR USE BY SPANISH AUTHORITIES, PROVIDED THAT THE GOVERNMENT OF THE UNITED STATES SHALL INCUR NO ADDITIONAL EXPENSE THEREBY.

(E) IN NORMAL CIRCUMSTANCES ANY SUBSTANTIAL INCREASE IN THE PERSONNEL OR MILITARY EQUIPMENT OF THE UNITED STATES IN SPAIN, OR ANY SUBSTANTIAL INCREASE IN THE USE BY THE UNITED STATES OF FACILITIES IN SPANISH MILITARY INSTALLATIONS REGULATED BY THIS AGREEMENT, WILL BE THE SUBJECT OF PRIOR CONSULTATION IN THE JOINT COMMITTEE AND AGREED UPON BETWEEN THE TWO GOVERNMENTS THROUGH DIPLOMATIC CHANNELS.

ARTICLE 34. IN THE CASE OF EXTERNAL THREAT OR  
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ATTACK AGAINST THE SECURITY OF THE WEST, THE TIME AND MANNER OF THE USE BY THE UNITED STATES OF THE FACILITIES REFERRED TO IN THIS CHAPTER TO MEET SUCH THREAT OR ATTACK WILL BE THE SUBJECT OF URGENT CONSULTATIONS BETWEEN THE TWO GOVERNMENTS, AND WILL BE RESOLVED BY MUTUAL AGREEMENT IN LIGHT OF THE SITUATION CREATED. SUCH URGENT CONSULTATIONS SHALL TAKE PLACE IN THE JOINT COMMITTEE, BUT WHEN THE IMMINENCE OF THE DANGER SO REQUIRES, THE TWO GOVERNMENTS WILL ESTABLISH DIRECT CONTACT IN ORDER TO RESOLVE THE MATTER JOINTLY. EACH GOVERNMENT RETAINS, HOWEVER, THE INHERENT RIGHT OF SELF-DEFENSE.

ARTICLE 35. BOTH GOVERNMENTS CONSIDER IT NECESSARY AND APPROPRIATE THAT THE COOPERATION FOR DEFENSE REGULATED BY THIS CHAPTER FORM A PART OF THE SECURITY ARRANGEMENTS

FOR THE ATLANTIC AND MEDITERRANEAN AREAS, AND TO THAT  
END THEY WILL ENDEAVOR TO WORK OUT BY COMMON ACCORD THE

LIAISON DEEMED ADVISABLE WITH THE SECURITY ARRANGEMENTS  
FOR THOSE AREAS.

ARTICLE 36. IN ORDER TO ESTABLISH THE NECESSARY  
COORDINATION BETWEEN THE TWO GOVERNMENTS AND TO ENSURE  
GREATER EFFECTIVENESS OF THE RECIPROCAL DEFENSE SUPPORT  
GRANTED BY THE TWO GOVERNMENTS TO EACH OTHER, THE GOVERN-  
MENTS OF THE UNITED STATES AND SPAIN AGREE TO ESTABLISH  
A JOINT COMMITTEE ON DEFENSE MATTERS. THE JOINT  
COMMITTEE WILL BE THE ORGAN IN WHICH THE TWO GOVERNMENTS  
NORMALLY WILL CONSULT WITH EACH OTHER AND RESOLVE MATTERS  
THAT MAY ARISE IN CONNECTION WITH THE RECIPROCAL DEFENSE  
SUPPORT REFERRED TO IN THIS CHAPTER. THE JOINT COMMITTEE  
WILL BE ORGANIZED AND WILL FUNCTION AS SPECIFIED IN THE  
ANNEX TO THIS AGREEMENT.

ARTICLE 37. THE TWO GOVERNMENTS WILL DETERMINE BY  
COMMON ACCORD, THROUGH AN EXCHANGE OF NOTES ON THIS DATE,  
THE FACILITIES REFERRED TO IN ARTICLE 32 OF THIS CHAPTER,  
AS WELL AS THE UNITED STATES FORCE LEVELS IN SPAIN AND  
THE ASSISTANCE PROGRAMS REFERRED TO IN ARTICLE 31 OF THIS  
CHAPTER. THEREAFTER ANY CHANGE IN THE NUMBER OR EXTENT  
OF SUCH FACILITIES WILL BE NEGOTIATED IN THE JOINT  
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COMMITTEE AND AGREED UPON BETWEEN THE TWO GOVERNMENTS  
THROUGH AN EXCHANGE OF NOTES. " ROBINSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MILITARY AGREEMENTS, MINISTERIAL VISITS, TOSC  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 24 SEP 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
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**Drafter:** LPEZZULLO:EMB  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN H  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** RowellE0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 MAR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27 MAR 2003 by MaustMC>; APPROVED <10 FEB 2004 by RowellE0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** 1970 AGREEMENT FOR MCCLOSKEY FROM PEZZULLO  
**TAGS:** OVIP, MARR, (KISSINGER, HENRY A)  
**To:** SECRETARY  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006